

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Samuel Leroy Smith,)	
)	
Plaintiff,)	C.A. No. 1:08-3023-HMH-WMC
)	
vs.)	OPINION & ORDER
)	
Monica Denise Miller,)	
)	
Defendant.)	

This matter is before the court on Samuel Leroy Smith's ("Smith") objections to the September 8, 2008, Report and Recommendation of United States Magistrate Judge William M. Catoe and motion to recuse the undersigned. On September 29, 2008, the court adopted Magistrate Judge Catoe's Report and Recommendation without objection. On October 27, 2008, Smith filed objections alleging that he never received a copy of the Report and Recommendation until October 24, 2008, after he requested a copy. Giving Smith the benefit of the doubt, on November 3, 2008, the court granted Smith ten (10) days from the date of the order to file objections. Further, the court denied Smith's baseless motion for recusal. On November 18, 2008, the court rescinded its September 29, 2008, order adopting the Report and Recommendation.

On November 17, 2008, Smith filed objections to the Report and Recommendation. Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce,

727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that Smith's objections are non-specific, unrelated to the dispositive portions of the magistrate judge's Report and Recommendation, or merely restate his claims. Therefore, after a thorough review of the magistrate judge's Report and the record in this case, the court adopts Magistrate Judge Catoe's Report and Recommendation.

It is therefore

ORDERED that the above-captioned case is summarily dismissed without prejudice and without issuance and service of process for lack of subject matter jurisdiction.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

November 18, 2008
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.